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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,849	08/07/2003	Yasuhiro Shinkai	B-5179 621123-5	3343

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EXAMINER
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MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/637,849	<b>Applicant(s)</b> SHINKAI ET AL.	
	<b>Examiner</b> Brian E. Miller	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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Claims 1-18 are pending.

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification, for example a) page 2, line 30, the phrase "for that the there" is awkward; (b) page 3, line 1, there are no spaces between words which render it difficult to read; (c) page 6, line 26 the word "refereeing" should be changed to "referring for clarity.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Objections***

4. Claims 15-19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

5. Claims 1-18 are objected to because of the following informalities, for example: (a) throughout the claims the phrase "in cases" should be omitted or changed; (b) claims 2 & 9 lines 3 & 5 the word "for" should be changed to "from" for clarity; (c) claims 1 & 8 the phrase "in

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cases where the...in a holding direction” should be changed to “wherein the holding device is driven by the driving device in a holding direction” for clarity; (d) claims 3 & 10, line 3 the phrase “both ends” should be changed to “two ends”. Appropriate correction is required.

### ***Double Patenting***

6. Applicant is advised that should claim 15, 16 be found allowable, claims 17, 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 6-9, 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Konno et al (US 6,907,611).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor

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of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

(As per claims 1 & 8) Konno et al discloses a clamp/alignment mechanism, as shown in at least FIGs. 3-5, including: a turntable 12 on which a recording medium is mounted, the turntable 12 being rotated by a rotation driving device; a holding device (two of element 36) for holding the recording medium mounted on the turntable 12; an aligning device (one of element 36) for aligning the recording medium mounted on the turntable 12; and a driving device (including at least elements 18, 26, 34, 35, 46) for driving both the holding device and the alignment device, wherein the driving device is configured to drive the aligning device in an aligning direction (or alignment-releasing direction) along which the recording medium is subjected to alignment thereof, in cases where the holding device is driven in a holding direction (or hold-releasing direction) in which the recording medium is to be held (see col. 4, lines 21-36); (as per claims 2 & 9) wherein the holding device is configured to locate at a retreat position which disables the holding device for holding the recording medium and the aligning device is configured to locate at a retreat position which disables the aligning device for aligning the recording medium, in cases where the recording medium is mounted onto the turntable 12 (see col. 4, lines 21-36); (as per claim 6 & 13) wherein the driving device includes a limiting device 46 for limiting the holding device from being moved in the holding direction of the recording medium, in cases where the holding device is driven in a hold-releasing direction in which the recording medium is to be released from a held state (as per claims 7 & 14) wherein the holding device is made up of a plurality of chuck claws 36 mounted rotatably on the turntable 12, the driving device has a movable member 34 slidable in a direction perpendicular to a plane of the turntable 12 on which the recording medium is mounted, and the limiting device is configured to push the plurality of

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chuck claws in the hold-releasing direction of the recording medium, in cases where the movable member is made to slide in a direction away from the plane of the turntable 12; (as per claims 15-18) wherein the clamp/alignment mechanism is provided in a information reproducing mechanism.

***Allowable Subject Matter***

9. Claims 3-5, 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including US Patents to Iizuka (6,208,613) and Wada (6,826,771) which are cited to show clamping/aligning devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Brian E. Miller**  
**Primary Examiner**  
**Art Unit 2627**

BEM  
May 11, 2006